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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

In re Application of: Copeland	Art Group: 1616
Serial No.: 09/478,071	Examiner: Levy, N
Filed: January 01, 2000	
For: High Unsaponifiables and Methods of Using the Same	
Atty. Docket No.: 511-003	

#3  
JRL  
11/8/00

Box Non Fee Amendment  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**Response to Office Action Dated 10/25/00**

Dear Sir:

This letter is responsive to the Official Action dated 10/25/00.

The examiner has entered a restriction requirement in the above referenced application. The examiner states that the application contains two distinct groups of inventions:

Group I: claim 1-42, which are drawn to a composition, classified in class 417, subclass 400; and

Group II: claims 43-47, which are drawn to a sunscreen composition, classified in class 424, subclass 59.

The examiner claims that the inventions are distinct from each other because the compositions of Group I do not require the sunscreen of Group II.

The examiner states that the instant application contains claims directed to a patentably distinct species of the claimed invention: species of treatment methods.

The examiner has required an election to a single disclose species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. On page 2 of the outstanding office action, the examiner states that claims 1-4 are generic.

The examiner also states that the instant application contains claims directed to another patentably distinct species of the claimed invention: extract species, as of claim 3.

The examiner has required that the applicant elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claims is finally held to be allowable. On page 3 of the outstanding office action, the examiner states that claims 1-47 are generic.

On page 4 of the outstanding office action, the examiner states that the instant application contains claims directed to yet another patentably distinct species of the claimed invention: active species of claim 6.

The examiner has required that the applicant elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claims is finally held to be allowable. On page 4 of the outstanding office action, the examiner states that claims 1-47 are generic.

Finally, on page 5 of the outstanding office action, the examiner states that the two groups of inventions, Group I and Group II, are distinct for reasons allegedly given in the outstanding office action, and that the search required for Group I is not required for Group II, restriction for examination purposes is proper.

### ***Response***

First, the applicant elects to prosecute Group I: claims 1-42, which are drawn to a composition, with traverse. Further, the applicant elects the disclosed species: Active species of claim 6 for further prosecution.

As to the traverse, the examiner has stated in the outstanding office action that Groups I and II are distinct from each other because the compositions of Group I do not require the sunscreen of Group II and therefor the search for Group I is not required for Group II. However, the applicant would like to point out that the sunscreen of Group II requires the composition of Group I, more specifically the composition described in claim 1 because both require hydrolysis products of organic materials, said organic material further comprising at least 6 weight percent unsaponifiable material. Group II compositions include sunscreen active materials, such as physical radiation blocking agents and radiation absorbing agents. Thus, in order to search both Group I and Group II compositions, the examiner would have to search for compositions containing "hydrolysis products of organic materials, said organic material further comprising at least 6 weight

, In re Application of:  
Serial No.:  
Atty. Docket No.:

Brown  
09/478,071  
511-003

Art Group  
Examiner:

1616  
Levy, N

percent unsaponifiable material". Therefore, the two cited groups do not required separate searches and are not distinct for the reasons provided by the examiner and restriction is not proper for examination purposes.

On an aside, the examiner has inadvertently mangled form of the attorney's last name. The applicant's attorney requests that the records be amended to correct the attorney's true last name by replacing "Microroon" with --Halvorson--.

Respectfully submitted,

Date: 11/1/00



Kristofer Halvorson, Reg. No. 39,211  
The Halvorson Law Firm, P.C.  
Attorneys for Applicant  
405 W. Southern Ave., Suite 1  
Tempe, Arizona 85282  
(480) 449-3600

#### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage paid, in an envelope addressed to:

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